

### REMARKS

Applicant respectfully requests reconsideration. Claims 55, 57, 66, 67, 71, 74, 75, 78, 79, 83, 86-90, 101 and 104-119 are pending in this application, with claims 55 and 66 being independent claims. Claims 55, 66, 115 and 118 have been amended. Support for the amendment of claim 66 can be found on page 67, lines 21 and 22 of the specification. No new matter has been added.

### Claim Objections

Claims 55, 57, 66, 67, 71, 74, 75, 78, 79, 83, 86-90, 101 and 104-119 were objected to as, according to the Examiner, “antiglaucoma agent” of the Markush group, when not in hyphenate form, is not consistent with the other members of the Markush group. The Examiner suggested that “antiglaucoma” be changed to “anti-glaucoma”. Claims 55, 66, 115 and 118, therefore, have been amended to recite “anti-glaucoma”.

Accordingly, withdrawal of this objection is respectfully requested.

### Rejections Under 35 U.S.C. §103

The Examiner has rejected claims 66, 67, 83, 109-112, 116 and 117 under 35 U.S.C. §103(a) as being unpatentable over Geffard, International Publication No. WO 96/15810, (hereinafter “Geffard”) in view of Gershoni, U.S. Patent No. 5,770,572, (hereinafter “Gershoni”). The Examiner argues that Geffard discloses polylysine conjugated to a molecule for the treatment of a toxic neuropathy and that Gershoni provides molecular decoyants that can relieve the effects of nerve gas. Therefore, the Examiner concludes that it would have been obvious to combine the two teachings to produce polylysine conjugated to the decoyant molecule.

Applicant respectfully traverses the Examiner’s rejection. In order for *prima facie* obviousness to be established there must be some suggestion or motivation to combine the references cited. However, no evidence has been provided to indicate that one of ordinary skill in the art would be motivated to combine Geffard and Gershoni as the Examiner has asserted.

In addition, the teachings of Geffard and Gershoni, alone or in combination, would not lead one of ordinary skill in the art to produce the conjugates of Applicant’s claims. The compositions provided by Geffard are polylysine-“hapten” conjugates in which polylysine acts

as the carrier of the hapten and seemingly facilitates antibody recognition of the hapten. The therapeutic effectiveness of these conjugates, therefore, appears to be due to antibody recognition (binding) of the hapten. Gershoni, however, does not provide haptens as taught in Geffard but rather molecular decoyants that resemble endogenous receptors and bind to a foreign agent. As antibody binding to the molecular decoyants of Gershoni would decrease or destroy the effectiveness of the decoyant molecules, one of ordinary skill in the art would not be led to produce the conjugates of Applicant's claims as the Examiner has asserted.

Accordingly, withdrawal of this rejection is respectfully requested.

The Examiner has rejected claims 88-90 and 119 under 35 U.S.C. §103(a) as being unpatentable over Geffard and Gershoni, as applied to claims 66, 67, 83, 109-112, 116 and 117 above, and further in view of Richardson et al., U.S. Patent No. 5,490,980 (hereinafter "Richardson") and Green et al., U.S. Patent No. 5,525,336 (hereinafter "Green").

Applicant respectfully traverses this rejection on the basis provided above, as applied to claims 66, 67, 83, 109-112, 116 and 117, as claims 88-90 and 119 depend therefrom. It has not been demonstrated that one of ordinary skill in the art would be motivated to combine the teachings of Geffard and Gershoni, and as argued above the teachings of Geffard and Gershoni would not lead one of ordinary skill in the art to produce the conjugates of Applicant's claims.

Accordingly, withdrawal of this rejection is respectfully requested.

The Examiner has also rejected claim 101 under 35 U.S.C. §103(a) as being unpatentable over Geffard and Gershoni, as applied to claims 66, 67, 83, 109-112, 116 and 117 above, and further in view of Shafferman et al., European Application No. 0 651 055 A2 (hereinafter "Shafferman"). The Examiner argues that Shafferman discloses a recombinant cholinesterase to detoxify a subject, such as to relieve the effects of nerve gas.

Applicant respectfully traverses this rejection for the reasons provided above with respect to Geffard and Gershoni. In addition, it is noted that Shafferman does neither provide the necessary motivation to combine the references as the basis for this rejection or provide the guidance that would lead one of ordinary skill in the art to produce the conjugates of Applicant's claims.

Accordingly, withdrawal of this rejection is respectfully requested.

The Examiner has also rejected claim 118 under 35 U.S.C. §103(a) as being unpatentable over Geffard in view of Viegas et al., U.S. Patent No. 5,958,443 (hereinafter "Viegas"). The Examiner argues that Viegas provides a drug delivery composition that contains an antiglaucoma drug. Therefore, the Examiner concludes, it would have been obvious to use as the molecule coupled to polylysine as provided in Geffard an antiglaucoma drug as provided by Viegas.

Applicant respectfully traverses the rejection. Similarly to the arguments provided above in regard to Geffard and Gershoni, there is no evidence provided by the Examiner to indicate that one of ordinary skill in the art would be motivated to combine Geffard and Viegas. In addition, one of ordinary skill in the art would not be led by the teachings of Geffard and Viegas to produce the conjugates of Applicant's claims. Again, Geffard provides polylysine-hapten conjugates that are seemingly effective as a result of antibody binding. Viegas provides examples of antiglaucoma drugs that can be incorporated in a gel drug delivery vehicle. Nothing in these references suggests that the antiglaucoma drugs should replace the haptens of Geffard. In fact, the polylysine used in Geffard is seemingly for the purpose of allowing for the antibody recognition of the hapten. The teachings of Geffard and Viegas, alone or in combination, would not lead one of ordinary skill in the art to produce the conjugates of Applicant's claims.

Accordingly, withdrawal of this rejection is respectfully requested.

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**CONCLUSION**


A Notice of Allowance is respectfully requested. The Examiner is requested to call the undersigned at the telephone number listed below if this communication does not place the case in condition for allowance.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 23/2825.

Respectfully submitted,

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